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APPLICATION NO.	F.	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/705,173	0/705,173 11/06/2003		Xi Chen	11134-013-999	4030
20583	7590	05/25/2006	•	EXAMINER	
JONES DA			AULAKH, CHARANJIT		
NEW YORK, NY 10017				ART UNIT	PAPER NUMBER
	,			1625	
				DATE MAILED: 05/25/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/705,173	CHEN ET AL.					
Office Action Summary	Examiner	Art Unit					
·	Charanjit S. Aulakh	1625					
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION (36(a)). In no event, however, may a reply be tirg will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on							
· · · · · · · · · · · · · · · · · · ·	· s action is non-final.						
	<u> </u>						
,— · · ·	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	, , , , , , , , , , , , , , , , , , , ,						
4)⊠ Claim(s) <u>1-52</u> is/are pending in the application							
, , , , , , , , , , , , , , , , , , , ,	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.	With total consideration.						
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) 1-52 are subject to restriction and/or	election requirement						
· · · · · · · · · · · · · · · · · · ·	election requirement.						
Application Papers							
9) ☐ The specification is objected to by the Examine	er.						
10) The drawing(s) filed on is/are: a) acc	epted or b) objected to by the l	Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).					
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a))-(d) or (f).					
1. Certified copies of the priority document	s have been received.						
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prior							
application from the International Bureau		3					
* See the attached detailed Office action for a list		ed.					
	, in the second						
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
 P)	Paper No(s)/Mail Da	ate Patent Application (PTO-152)					
Paper No(s)/Mail Date	6) Other:	atom repriorition (FTO-102)					

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DETAILED ACTION

1. Claims 1-52 are pending in the application.

Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to compounds of formula (I) where Ar represents an aryl, classified in class 548, subclass 421.
 - II. Claims 1, 3 and 4, drawn to compounds of formula (I) where Ar represents a heteroaryl ring, classified in class 544, subclass 99.
 - III. Claims 6-34, drawn to compounds of formula (II), classified in class 546, subclass 62.
 - IV. Claims 35-52, drawn to Pharmaceutical compositions containing compounds of group I as defined above and methods of treatment using compounds of group I, classified in class 514, subclass 410.
 - V. Claims 35-52, drawn to Pharmaceutical compositions containing compounds of group II as defined above and methods of treatment using compounds of group II, classified in class 514, subclass 229.5.
 - VI. Claims 35-52, drawn to Pharmaceutical compositions containing compounds of group III as defined above and methods of treatment using compounds of group III, classified in class 514, subclass 285.
- 3. The inventions I through VI as defined above are patentably distinct, each from the other because they are structurally so divergent that a reference showing compounds of

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invention I would not render compounds of inventions II and III prima facia obvious. Search required for e.g; compounds of invention I in class 548, subclass 421 is not the same search required for e.g; compounds of invention II in class 544, subclass 99 or methods of treatment for groups IV, V and VI in class 514, subclasses 229.5, 285 and 410 and therefore, constitutes a burdensome search.

4. A telephone call was made to the applicant's attorney, Mr. Roger C. Rich on May 22, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention. If the applicants elect group II, heteroaryl for variable Ar must be specified.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the

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record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on (571)272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charanjit S. Aulakh Primary Examiner Art Unit 1625

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